



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2103

www.deq.virginia.gov

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Francis L. Daniel  
Regional Director

Permit No: VA0091405  
Effective Date: May 3, 2009  
Expiration Date: May 2, 2014

AUTHORIZATION TO DISCHARGE UNDER THE  
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM  
AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit, as set forth herein.

Owner: City of Chesapeake  
Facility Name: Lake Gaston Water Treatment Plant  
City: Chesapeake  
County: NA  
Facility Location: 5416 Military Hwy West, Chesapeake, VA 23321

The owner is authorized to discharge to the following receiving stream:

Stream: Unnamed tributary to Goose Creek  
River Basin: James River (lower)  
River Subbasin: NA  
Section: 1e  
Class: III  
Special Standards: NEW-19

*Francis L. Daniel*  
\_\_\_\_\_  
Francis L. Daniel

*April 14, 2009*  
\_\_\_\_\_  
Date

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 001 (discharge from water treatment plant processes).

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD)	NL	NA	NA	NL	1/Week	Estimate
pH (S.U.)	NA	NA	6.0	9.0	1/Month	Grab
Total Suspended Solids (mg/l)	30	NA	NA	60	1/Month	5G/8HC
Dissolved Oxygen (mg/l)	NA	NA	4.0	NA	1/Month	Grab
Total Phosphorus (mg/l)	2.0	NA	NA	NA	1/Month	5G/8HC
Total Nitrogen (mg/l)	NL	NA	NA	NA	1/Month	5G/8HC
Total Dissolved Solids (mg/l)	NL	NA	NA	NL	1/Month	5G/8HC
Total Residual Chlorine (ug/l) [a]	NA	NA	NA	11	1/Month	Grab

NA = Not Applicable.

NL = No limitation, however, reporting is required.

5G/8HC = Eight-hour composite consisting of grab samples collected at hourly intervals until the discharge ceases or until a minimum of 5 grab samples have been collected.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

[a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

2. There shall be no discharge of floating solids or visible foam in other than trace amounts.

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Water Quality Standards Reopener

Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

b. Nutrient Enriched Waters Reopener

This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.

2. Operations and Maintenance (O & M) Manual

The permittee shall review the existing O & M Manual and notify the DEQ Tidewater Regional Office, in writing, that it is still current. This O&M Manual shall include descriptions of the treatment works operations and its contributing sources, and practices necessary to achieve compliance with this permit. The revised Manual shall specifically address: treatment system operation; routine and emergency maintenance; wastewater and/or storm water collection, treatment and disposal/discharge; permitted outfall locations; effluent sampling and preservation procedures; laboratory testing, analysis and recording of results; submittal and retention of all records, reporting forms and testing results; and a listing of the personnel responsible for the above activities. Also included in the Manual shall be a list of facility, local and state emergency contacts; procedures for reporting and responding to any spills/overflows/ treatment works upsets; a copy of the VPDES/VPA permit; and copies of all reporting forms. If the O&M Manual is no longer current, a revised O&M Manual shall be submitted for approval. Once approved, this revised manual shall become an enforceable condition of this permit. Future changes to the facility must be addressed by the submittal of a revised O & M Manual. Non-compliance with the O & M Manual shall be deemed a violation of the permit.

Letter/Revised Manual Due: No later than August 3, 2009.

3. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic

pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

- (1) One hundred micrograms per liter (100 ug/l);
- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the State Water Control Board.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

- (1) Five hundred micrograms per liter (500 ug/l);
- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
- (4) The level established by the State Water Control Board.

#### 4. Quantification Levels Under Part I.A.

a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Total Residual Chlorine	0.1 mg/l

b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in 4.a above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

#### 5. Compliance Reporting Under Part I.A.

a. Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.4.a. shall be determined as follows: All data below the quantification level (QL) listed in Part I.4.a. above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as <QL.

- b. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.4.a. above. Otherwise, the numerical value shall be reported.
- c. Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.
- d. The permittee shall report at least the same number of significant figures as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

6. Materials Handling and Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in such a manner so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

7. Sludge Management Plan

The permittee shall conduct all sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for the Department of Environmental Quality (DEQ) approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sludge use or disposal practices.

C. TOXICS MANAGEMENT PROGRAM

1. Biological Monitoring:

- a. In accordance with the schedule in 2. below, the permittee shall conduct quarterly acute and chronic toxicity tests for the first two years of this permit. The permittee shall collect 5 grab samples over an 8 hour period for a composite sample of final effluent from outfall 001. Toxicity samples shall be taken at the same time as the monthly monitoring in Part I.A. of this permit.

The acute tests to use shall be:

48-Hour Static Acute test using Ceriodaphnia dubia (C.d.)

48-Hour Static Acute test using Pimephales promelas (P.p.)

The acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for calculation of a valid  $LC_{50}$ . Express as the results as  $TU_a$  (Acute Toxic Units) by dividing  $100/LC_{50}$  for DMR reporting.

The chronic test to use shall be:

3-Brood Static Renewal Survival and Reproduction test using Ceriodaphnia dubia (C.d.)

7-Day Static Renewal Survival and Growth using Pimephales promelas (P.p.)

The chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival and reproduction or growth. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as  $TU_c$  (Chronic Toxic Units), by dividing  $100/NOEC$  for DMR reporting. Report the  $LC_{50}$  at 48 hours and the  $IC_{25}$  with the NOEC's in the test report.

The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of effluent toxicity.

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

- b. The test dilutions should be able to determine compliance with the following endpoints:

- (1) Acute LC<sub>50</sub> of 100% equivalent to a TU<sub>a</sub> of 1.0
  - (2) Chronic NOEC of 100% of equivalent to a TU<sub>c</sub> of 1.0
  - c. The toxicity test data will be evaluated for reasonable potential using the endpoints listed above in 1.b., at the end of the 2<sup>nd</sup> year of the permit. Should evaluation of the data indicate that a limit is needed, the permit will be modified to incorporate a WET limit and a 2-year schedule of compliance; and the toxicity tests of 1.a. may be discontinued. If evaluation of the data does not show reasonable potential at the end of the 2<sup>nd</sup> year of the permit, DEQ will notify the facility in writing that toxicity testing shall continue using the reporting schedule in 2.c. below.
  - d. All applicable data will be reevaluated for reasonable potential at the end of the permit term.
  - e. If, in the testing according to C.1., any toxicity tests are invalidated, the tests shall be repeated within the testing period that the original test was taken, or if already past that period, within thirty(30) days of notification.
2. Reporting Schedule:
- a. The permittee shall report the results and supply **one** complete copy of the toxicity test reports specified in this Toxics Management Program to the Tidewater Regional Office. A complete report must contain a copy of all laboratory benchsheets, certificates of analysis, and all chains of custody. All data shall be submitted by the 10<sup>th</sup> of the month following sampling. Sampling and reporting shall be in accordance with the following schedule:
  - b. The following reporting schedule shall be used until the end of the 2<sup>nd</sup> year of the permit.

(a)	Conduct first quarterly acute and chronic biological tests using C.d. and P.p.	By September 30, 2009
(b)	Submit results of biological test	By the 10 <sup>th</sup> of the month following sampling but no later than October 10, 2009
(c)	Conduct second quarterly acute and chronic biological tests using C.d. and P.p.	By December 31, 2009
(d)	Submit results of all biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than January 10, 2010

(e)	Conduct third quarterly acute and chronic biological tests using C.d. and P.p.	By March 31, 2010
(f)	Submit results of biological test	By the 10 <sup>th</sup> of the month following sampling but no later than April 10, 2010
(g)	Conduct fourth quarterly acute and chronic biological tests using C.d. and P.p.	By June 30, 2010
(h)	Submit results of all biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than July 10, 2010
(i)	Conduct fifth quarterly acute and chronic biological tests using C.d. and P.p.	By September 30, 2010
(j)	Submit results of biological test	By the 10 <sup>th</sup> of the month following sampling but no later than October 10, 2010
(k)	Conduct sixth quarterly acute and chronic biological tests using C.d. and P.p.	By December 31, 2010
(l)	Submit results of all biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than January 10, 2011
(m)	Conduct seventh quarterly acute and chronic biological tests using C.d. and P.p.	By March 31, 2011
(n)	Submit results of biological test	By the 10 <sup>th</sup> of the month following sampling but no later than April 10, 2011
(o)	Conduct eighth quarterly acute and chronic biological tests using C.d. and P.p.	By June 30, 2011
(p)	Submit results of all biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than July 10, 2011



- c. The following reporting schedule shall be used from the 3<sup>rd</sup> year until permit expiration. Semi-annual periods are January 1-June 30 and July 1-December 31. The first semi-annual period begins July 1, 2011.

(a)	Conduct first semi-annual acute and chronic biological tests using C.d. and P.p.	By December 31, 2011
(b)	Submit results of the biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than January 10, 2012
(c)	Conduct second semi-annual acute and chronic biological tests using C.d. and P.p.	By June 30, 2012
(d)	Submit results of the biological test	By the 10 <sup>th</sup> of the month following sampling but no later than July 10, 2012
(e)	Conduct third semi-annual acute and chronic biological tests using C.d. and P.p.	By December 31, 2012
(f)	Submit results of the biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than January 10, 2013
(g)	Conduct fourth semi-annual acute and chronic biological tests using C.d. and P.p.	By June 30, 2013
(h)	Submit results of the biological test	By the 10 <sup>th</sup> of the month following sampling but no later than July 10, 2013
(i)	Conduct fifth semi-annual acute and chronic biological tests using C.d. and P.p.	By December 31, 2013
(j)	Submit results of the biological tests	By the 10 <sup>th</sup> of the month following sampling but no later than January 10, 2014
(k)	Conduct sixth semi-annual acute and chronic biological tests using C.d. and P.p.	By June 30, 2014
(l)	Submit results of the biological test	By the 10 <sup>th</sup> of the month following sampling but no later than July 10, 2014

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)  
DISCHARGE MONITORING REPORT(DMR)

Industrial Minor 02/05/2009

DEPT. OF ENVIRONMENTAL QUALITY  
(REGIONAL OFFICE)

Tidewater Regional Office  
5636 Southern Boulevard

Virginia Beach VA 23462

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS  
BEFORE COMPLETING THIS FORM.

VA0091405	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD			
YEAR	MO	DAY	TO

NAME Chesapeake City - Lake Gaston WTP  
ADDRESS 306 Cedar Rd  
Chesapeake VA 23322

FACILITY LOCATION 5416 Military Hwy West, Chesapeake, VA 23321

FROM

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
	AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM			
001 FLOW	REPORTD			*****	*****	*****			
	REQRMNT	NL	MGD	*****	*****	*****		1/W	EST
002 PH	REPORTD	*****			*****				
	REQRMNT	*****		6.0	*****	9.0		1/M	GRAB
004 TSS	REPORTD	*****		*****					
	REQRMNT	*****		*****					
005 CL2, TOTAL	REPORTD	*****		*****	30	60		1/M	5G/8HC
	REQRMNT	*****		*****	*****				
007 DO	REPORTD	*****		*****	*****			1/M	GRAB
	REQRMNT	*****		*****	*****	11			
012 PHOSPHORUS, TOTAL (AS P)	REPORTD	*****		*****	*****				
	REQRMNT	*****		4.0	*****	*****		1/M	GRAB
013 NITROGEN, TOTAL (AS N)	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	*****	*****		1/M	5G/8HC
089 DIS. SOLIDS, TOTAL	REPORTD	*****		*****	*****				
	REQRMNT	*****		*****	NL	NL		1/M	5G/8HC

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

QL - Total Residual Chlorine 0.1 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)	OPERATOR IN RESPONSIBLE CHARGE		DATE	
				TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR MO. DAY
I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. & 1001 AND 33 U.S.C. & 1319. (Penalties under these statutes may include fines up to \$10,000 and/or maximum imprisonment of between 6 months and 5 years.)				PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		
				TYPED OR PRINTED NAME	SIGNATURE		YEAR MO. DAY

THIS REPORT IS REQUIRED BY LAW (33 U. S. C. § 1318 40 CFR 122.41(i)(4)(i)). FAILURE TO REPORT OR FAILURE TO REPORT TRUTHFULLY CAN RESULT IN CIVIL PENALTIES NOT TO EXCEED \$10,000 PER DAY OF VIOLATION: OR IN CRIMINAL PENALTIES NOT TO EXCEED \$25,000 PER DAY OF VIOLATION OR BY IMPRISONMENT FOR NOT MORE THAN FIVE YEARS, OR BOTH.

### GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces are blank or a limitation appears, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and, if appropriate, maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".  
 $KG/DAY = \text{Concentration}(mg/l) \times \text{Flow}(MGD) \times 3.785$ .
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. Enter the number of samples which do not comply with the maximum and /or minimum permit requirements in the "reported" space in the column marked "No. Ex."
7. Enter the actual frequency of analysis for each parameter (number of times per day, week, month) in the "reported" space in the column marked "Frequency of Analysis".
8. Enter the actual type of sample collected for each parameter in the "reported" space in the column marked "Sample Type".
9. Enter additional required data or comments in the space marked "additional permit requirements or comments".
10. Record the number of bypasses during the month, the total flow in million gallons and BOD5 in kilograms in the proper columns in the section marked "Bypasses and Overflows".
11. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator, the operator's certificate number should be reported in the space provided.
12. The principal executive officer should then review the form and sign in the space provided and provide a telephone number where he/she can be reached.
13. You are required to sample at the frequency and type indicated in your permit.
14. Send the completed form to your Dept. of Environmental Quality Regional Office by the 10th of each month.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements describing causes and corrective actions taken. Reference each violation by date.
17. If you have any questions, contact the Dept. of Environmental Quality Regional Office.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) and time(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality  
Tidewater Regional Office  
5636 Southern Boulevard  
Virginia Beach, VA 23462

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
  - a. Any unanticipated bypass; and
  - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice) or (757) 518-2009 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
  - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
  - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit,



including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Part II K 1;
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - c. The written authorization is submitted to the Department.
3. Changes to Authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with

certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of Solids or Sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and U 3.

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

- 1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
- 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required in Part II I; and
  - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
  - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
  - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.